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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,740	12/19/2001	Heidrun Steinhauser	NL000734	4451

24737 7590 06/15/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

PATEL, ASHOK

ART UNIT PAPER NUMBER

2879

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/024,740

Applicant(s)

STEINHAUSER ET AL.

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 16 is/are rejected.
- 7) ☒ Claim(s) 7,10-15 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's arguments filed 04/08/2004 have been fully considered but they are not persuasive.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 6, 9 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Noguchi (USPN 5,734,235).

Noguchi discloses applicant's claimed display device including a cathode ray tube (Figures 1, 6, 7 etc.); a deflection yoke (40); including an-inline electron gun (39) having: a main lens portion for generating main lens field (formed by at least electrodes 4 and 6); a pre-focusing lens portion formed by first, second and third electrodes (by electrodes 1 to 3 or by electrodes K to 2) with apertures for transmitting electron beam; means for generating an auxiliary lens field between the pre-focusing lens field and the main lens field, the deflection yoke arranged to deflect the electron beam across the display screen. The limitation "such that the

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intensity of the auxiliary lens field causes....." is narrative in form and therefore does not carry a patentable weight. In order to be given patentable weight, a functional recitation must be expresses a "means" for performing the specified function, as set forth in 35 U.S.C. 6<sup>th</sup> paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. In re fuller, 1929 C.D. 172: 388 O.G. 279.

In claim 2, the functional limitation "*adapted* to generate first and second quadrupole fields....." is narrative in form and therefore does not carry a patentable weight as mentioned earlier in the rejection of claim 1.

In claim 3, the limitation "such that, in operation, only one pre-focusing lens and two quadrupole field are generated in the pre-focusing lens portion is narrative in form and therefore does not carry a patentable weight as mentioned earlier in the rejection of claim 1.

In claim 5, the functional limitation "*adapted* to generate astigmatic lens field in the main lens portion, such that....." is narrative in form and therefore does not carry a patentable weight as mentioned in the rejection of claim 1.

In claim 6, the functional limitation "*adapted* to generate an astigmatic lens field in the pre-focusing lens portion whereby the

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intensity of the astigmatic lens field....." is narrative in form and therefore does not carry a patentable weight as mentioned in the rejection of claim 1.

4. Claims 1-6, 9 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Son (USPN 5,404,071).

Son discloses applicant's claimed cathode ray tube (CRT) for a display device (col. 1, paragraph 1; at least Figures 6); inherently a deflection yoke; the CRT including an-inline electron gun having: a main lens portion for generating main lens field (F5); a pre-focusing lens portion formed by first, second and third electrodes (by electrodes 63, 64, 65) with apertures for transmitting electron beam; means for generating an auxiliary lens field (F2 or F3 or F5) between the pre-focusing lens field and the main lens field, the deflection yoke arranged to deflect the electron beam across the display screen. The limitation "such that the intensity of the auxiliary lens field causes the electron beam to leave....." does not carry a patentable weight as mentioned in the rejection of claim 1.

As to claim 4, Son discloses the fourth (66) to seventh (69) electrodes (Figure 6) with third, fifth and seventh electrodes applied with a static voltage (Vs)

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Claims 2, 3, 5 and 6 are rejected for reasons set forth earlier in this office action.

5. Claims 7, 10-15 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art of the record does not disclose or teach applicant's claimed display device, as specifically recited in claims 9 and 16, further including voltage applications as recited in claims 10 and 17.

6. The Examiner responds to applicant's arguments as follows.

Applicant argues, at middle of page 11 and middle of page 12, that nowhere Noguchi (or Son) teaches or suggests forming electron beams that maintain a diameter less than an aperture in a second electrode. This is not found persuasive since the electron beam diameter is narrative in form and does not constitute a positive structure of the claimed device. The function of "forming the smaller electron beams which maintains a diameter less than an aperture in the second electrode ....." is narrative in form and is further not supported by sufficient

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positive structure of the claimed means for generating auxiliary lens field.

The Examiner noted that applicants did not respond to the Examiner's position of not giving patentable weight to the functional limitations recited in claims 1-3, 5, 6 etc.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok

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Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



Ashok Patel  
Primary Examiner  
Art Unit 2879